

EXHIBIT 36

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE WESTERN DISTRICT OF TEXAS
3 WACO DIVISION

4 Ocean Semiconductor LLC,) **REPORTER CERTIFIED**
5) **TRANSCRIPT**
6 Plaintiff)
7 v.) No. 6:20-cv-1210-ADA
8)
9 MediaTek Inc. and MediaTek)
10 USA Inc. ("MediaTek"),)
11 Defendants.)
12)
13 AND RELATED ACTIONS.)
14)
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VIDEOCONFERENCE DEPOSITION OF
COSTAS J. SPANOS, PH.D.

WEDNESDAY, OCTOBER 20, 2021, 12:11 P.M. PT

STENOGRAPHICALLY REPORTED BY:
CHERYL M. HAAB, RPR, CCRR, CLR
CA CSR NO. 13600
WA CSR NO. 3499
FILE NO. 42305



Costas J. Spanos, Ph.D.

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16 VIDEOCONFERENCE DEPOSITION OF

17 COSTAS J. SPANOS, PH.D., taken on Wednesday,
18 October 20, 2021, at 12:11 p.m. PT, before Cheryl M.
19 Haab, RPR, CCRR, CLR, Certified Shorthand Reporter No.
20 13600 in and for the State of California, and Certified
Shorthand Reporter No. 3499 in and for the State of
Washington.

1 fault detection?

2 A I do not.

3 Q Okay. Let's get right to the patents.

4 Do you have your declaration with you?

5 A I do.

6 Q So I would like you to go to paragraph 37 of
7 your declaration. That paragraph is directed to the
8 '651 patents. Let me know when you're there.

9 A I am here.

10 Q Great.

11 A Go ahead.

12 Q Now, your opinion is that the term "pneumatic
13 cylinder" should be given its plain and ordinary
14 meaning; agreed?

15 A Agreed.

16 Q But in paragraph 41, your opinion is that
17 pneumatic cylinder is the cylindrical device that uses
18 pressurized air or other gas to remove a shaft or rod of
19 the device along a linear path; that is, in a straight
20 line.

21 Can you please clarify for me whether your
22 opinion is that the term "pneumatic cylinder" should be
23 given a plain and ordinary meaning, or that it has
24 another meaning that we just noted in paragraph 41?

25 A Give me one second to review this paragraph 41,

1 the beginning of it.

2 Okay. Now, could you please repeat the
3 question.

4 Q Sure.

5 Can you please clarify for me whether your
6 opinion is that the term "pneumatic cylinder" should be
7 given its plain and ordinary meaning?

8 A Yes. And in this paragraph 41, I say what
9 "plain and ordinary meaning" is.

10 Q Great. And that's exactly what I want to
11 clarify.

12 So your definition of "plain and ordinary
13 meaning" in this instance is that it should mean a
14 cylindrical device that used pressurized air or other
15 gas to move a shaft or rod of the device along a linear
16 path; that is, in a straight line; is that correct?

17 A That is correct, yes.

18 Q Okay. Are you aware that you also construed
19 the same term in the Eastern District of Texas with a
20 definition which is the actuator that uses compressed
21 gas to move a piston inside a cylinder?

22 A I don't see how this definition is different.

23 Q Great. We'll get to it.

24 So you do recognize that you have two sets of
25 definitions for the same term?

1 MR. BOWEN: Objection. Form.

2 THE WITNESS: I do not intend to have different
3 definitions. If the wording is slightly different, it's
4 probably a matter of editing, but the definitions are
5 the same.

6 BY MR. CHAN:

7 Q Okay. Dr. Spanos, have you ever used a
8 pneumatic cylinder?

9 A Have I ever used the pneumatic cylinder? Have
10 I ever used a device that employs one? Absolutely.

11 (Simultaneous colloquy.)

12 THE WITNESS: Could you clarify, please.

13 BY MR. CHAN:

14 Q It's a really straightforward question.

15 Have you ever used a pneumatic cylinder under
16 any circumstances?

17 A Of course. Every time I open the back hatch of
18 my car, there is one there.

19 Q So in your experience, what is a pneumatic
20 cylinder?

21 MR. BOWEN: Objection. Asked and answered.

22 THE WITNESS: It is what my declaration says.

23 A pneumatic cylinder is a cylinder, obviously. And the
24 cylinder contains a piston or a rod, something to be
25 moved by compressed gas. That's what pneumatic

1 cylinders are.

2 BY MR. CHAN:

3 Q Does the cylinder have a housing?

4 A Does the cylinder have a housing? Well, the
5 cylinder itself is a housing. It contains the gas and
6 the rod and so on. Whether it has an outside housing or
7 not maybe depends on the application.

8 Q Okay. Now, you talked about the cylinder is
9 the housing. Now, does the housing have a cap or end
10 cover on each side of the device?

11 A Clearly it has to prevent the gas from leaking.
12 So it has to have some kind of means of doing that.

13 Q Actually, that's my follow-up question.
14 What is the function of a cap other than
15 sealing the gas?

16 MR. BOWEN: Objection. Scope.

17 Go ahead.

18 BY MR. CHAN:

19 Q Okay. Let's be a little bit more specific.
20 That would be helpful for me, if you don't mind.

21 A Which side of the cylinder has the cap, you're
22 talking about?

23 Q Well, a cylinder has a cap and an end cap;
24 right? Or you can interpret it as the end cover. I
25 think there are different ways to call it, whether it's

1 an end cover or cap or end cap.

2 But are you clear as to what I'm referring to?

3 A No, I am not. Please, please, if you can help

4 me some more, I will appreciate it.

5 Q Okay. Do you have Exhibit 22 in front of you?

6 Perhaps this is where I need the court reporter to

7 direct you to Exhibit 22 of the defendant's claim

8 construction brief.

9 (Discussion off the record.)

10 THE WITNESS: I have them in front of me, but I

11 do not know which one is labeled 22. Could you help me

12 with that?

13 MR. CHAN: Yeah. It should be labeled

14 Exhibit 22.

15 THE WITNESS: Okay. I see it. Okay. I have

16 opened it.

17 MR. CHAN: And we'll mark this exhibit as

18 Exhibit Number 1.

19 (Plaintiff's Exhibit 1 was marked.)

20 BY MR. CHAN:

21 Q Let me know when you have that document open.

22 A I have it open on my computer.

23 Q If you can turn to page 86 --

24 A 86.

25 Q -- under the section 5.1.1.

1 A Sorry. 86 in the document, not in the file.

2 Okay. I am page 86, 5.1.1.

3 Q Under section 5.1.1 titled "Construction of
4 Single Acting Cylinder."

5 Do you see?

6 A I see that.

7 Q And it reads:

8 "Generally, a single acting cylinder is made of
9 the following elements, including two end
10 covers. One may be an integral part of the
11 cylindrical tube."

12 Do you see that?

13 A I -- give me one second.

14 Are you reading the first paragraph under the
15 title?

16 Q Correct.

17 A Okay. I see one. Great. Please continue.

18 Q Now, are you aware of those end covers being
19 part of the housing of the cylindrical device that you
20 were just talking about?

21 MR. BOWEN: Objection. Asked and answered.

22 THE WITNESS: Am I aware of them being part of
23 the housing? They're certainly part of the assembly.

24 The definition of a housing might be a little bit vague
25 for me at this point. I see the same -- I see the

1 cross-section that you're pointing out and I see the end
2 covers, and they're certainly part of the assembly. If
3 you want to call them part of the housing, I'm not going
4 to object to that.

5 BY MR. CHAN:

6 Q Okay. But here, the definition says:
7 "Two end covers. One may be an integral part
8 of the" -- excuse me -- "cylinder tube."

9 Do you see that?

10 A I do see that, yes.

11 Q Do you have any reason to dispute that
12 definition for assembly?

13 A No, I don't.

14 Q If you skip a few lines, it also reads:
15 "The end covers are fitted to the body by four
16 cover screws or tie rods."

17 Do you see that as well?

18 A I see that as well.

19 Q Do you have any reason to dispute the
20 statements?

21 A None whatsoever.

22 Q Dr. Spanos, what shape is the cap, generally?
23 (Simultaneous colloquy.)

24 MR. BOWEN: Objection. Scope.

25 Go ahead.

1 THE WITNESS: Well, I mean, certainly it has
2 what you call the cylindrical symmetry. It's a kind of
3 a form that's created by rotation of a surface, if
4 that's what you're asking. One cap has to have a hole
5 to allow the piston to go through it. If I'm reading
6 this correctly, I think No. 7 is a cap here, if I'm
7 reading it correctly.

8 | BY MR. CHAN:

10 A But please, continue.

11 Q So the question is actually very simple.

12 Is the shape of the cap limited to being
13 cylindrical?

14 A The shape --

15 (Simultaneous colloquy.)

16 MR. BOWEN: Sorry.

19 THE COURT REPORTER: I didn't hear the
20 objection, though.

21 MR. BOWEN: Objection. Scope.

22 Thank you.

23 THE WITNESS: I do not know the answer to that.
24 I'm looking at this particular diagram. This particular
25 diagram doesn't tell me otherwise, that the cap might or

1 MR. BOWEN: Go ahead.

2 THE WITNESS: Could you please repeat the
3 question.

4 BY MR. CHAN:

5 Q Sure.

6 In opining on the construction of pneumatic
7 cylinder, did you consider that hybrid pneumatic
8 mechanical cylinders were readily available at the time
9 of the invention?

10 MR. BOWEN: Objection.

11 THE WITNESS: Yes, I was aware of that.

12 THE COURT REPORTER: What's the objection?

13 MR. BOWEN: Vague.

14 BY MR. CHAN:

15 Q What are hydraulic cylinders?

16 A Hydraulic cylinders are devices that use
17 compressed liquid, liquid under some pressure, in order
18 to generate some kind of action, motion, typically.

19 Q So it is different than pneumatic cylinder in
20 that it uses liquid instead of air or gas?

21 A Primarily, yes. That's the main difference.

22 Q Could I turn your attention to column 8,
23 line 48.

24 A Yes.

25 Q Now, the inventor describes pneumatic cylinders